5.4

Civil Rights and Equal Protection for Race, Gender, and Disability

Standard 5.4: Civil Rights and Equal Protection for Race, Gender, and Disability

*Explain the historical context and significance of laws passed by Congress that have expanded the civil rights and equal protection for race, gender and disability.* (Massachusetts Curriculum Framework for History and Social Studies) [8.T5.4]
FOCUS QUESTION: How Have Laws Passed by Congress Expanded Civil Rights and Equal Protections for Race, Gender, and Disability?

Throughout United States history, women, people of color, and individuals with disabilities have struggled to gain civil rights and receive equal protection under the law. Actions by Congress to address discrimination and injustice have only occasionally resulted in sweeping legislative action, examples of which are explored in this standard in the areas of civil rights, voting rights, gender rights, and disability rights.
Modules for this Standard Include:

1. INVESTIGATE: Race - The 1964 Civil Rights Act and the Voting Rights Act of 1965
2. INVESTIGATE: Gender - Title IX of the Education Amendments of 1970
   2.1 ENGAGE: When can girls and boys compete together in athletic events?
3. INVESTIGATE: Disability - The Americans with Disabilities Act of 1990
   3.1 UNCOVER: Helen Keller, author and political activist

1. INVESTIGATE: Race - The 1964 Civil Rights Law and Voting Rights Act of 1965
The **1964 Civil Rights Law** and the **Voting Rights Act of 1965** are two of the most important pieces of civil rights legislation in United States History.

Following the Civil War, the Civil Rights Act of 1866 was the first federal law to declare equal rights under the law for all people living within the jurisdiction of the United States. Since then, there have been periodic efforts by Congress to ensure civil rights for Americans as shown in the following timeline: Constitutional Amendments and Major Civil Rights Acts of Congress, 1865-2006.
The 1964 Civil Rights Act outlawed discrimination on the basis of race, color, religion, sex, or national origin, required equal access to public places and employment, and enforced desegregation of schools and the right to vote.

Learn more about the Civil Rights Act of 1964 from the Wisconsin Historical Society.

In 2020, in the Bostock v. Clayton County, Georgia case, the Supreme Court held that the 1964 Civil Rights Act banned discrimination based on sexual orientation or gender identity. The case involved two gay men and one transgender woman who were fired by their employers based on their sexual and gender expression. Writing for the 6 to 3 majority, Justice Neil Gorsuch said, "when an employer fires an employee for being homosexual or transgender, it
necessarily discriminates against the individual in part because of sex" (Syllabus, p. 3).

The decision was considered a landmark ruling for LGBTQ rights in part because it applies to every employer in the country with 15 or more employees. In 2017, 77% of the nation's workplaces had 15 or more employees (The Historic Bostock Opinion and LGBTQ Rights in School, Phi Delta Kappan, September 21, 2020).

The 1965 Voting Rights Act (VRA) was designed to “ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race." As explained by Amy Howe (2013), the law required "all state and local governments with a history of voting discrimination to get approval from the federal
government before making changes to their voting procedures, no matter how small." Read an longer overview of the Voting Rights Act from the Brennan Center for Justice.

But in a 2013 case, Shelby County v. Holder, the Supreme Court rejected the VRA's "coverage formula" (Section 4) for determining when a state or locality was failing to comply with the law. In 2013, the year of the Court’s decision, Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia as well as districts in California, Florida, Michigan, New York, North Carolina and South Dakota were in violation of the Voting Rights Act (Why Is Section 4 of the Voting Rights Act Such a Big Part of the Fight Over Voting Rights, VOX, February 14, 2016).
The result is that the Voting Rights Act remains substantially weakened till Congress sets a new standard for determining discrimination, legislation that the Republican-controlled Senate has been unwilling to consider. The most recent Congressional effort to update the 1965 law is the John R. Lewis Voting Rights Advancement Act, summarized here by a press release from the office of Vermont Senator Patrick Leahy. The VRAA was passed by the House of Representatives in December, 2019.

Suggested Learning Activities

- **Analyze a Primary Source**
  - The Civil Rights Act of 1964 from Reading Like A Historian, Stanford History Education Group
  - Congress Protects the Right to Vote, National Archives

- **Create a Mosaic** with symbols, images and colors to express voting rights of all Americans

- **Engage in Civic Action:** Propose a 21st century civil rights or voting rights law
  - How a Bill Becomes Law: The Case of the Civil Rights Act of 1964 from The Dirksen Congressional Center
  - Voting Rights, Then and Now

Online Resources for the Voting Rights Act

- A Long Struggle for Freedom, Library of Congress
- The Civil War Curriculum: Post-1865: Effects of the War, Civil War Trust
- Full Text of the 14th Amendment
- Shelby County v. Holder (2014)
- Shelby County v. Holder and the Memory of Civil Rights Progress, National Constitution Center (November 25, 2013)
- 13 Things You Need to Know About the Fight Over Voting Rights
2. INVESTIGATE: Gender - Title IX of the Education Amendments of 1972

In 2019, 12-year-old Maddy Freking became only the 19th girl to play baseball with boys in the 72 year history of the Little League World Series; the first girl played in 1984 (learn more: A brief history of the 19 girls who have played in the Little League World Series). Maddy’s opportunity to play has its roots in Title IX, a landmark civil rights law prohibiting discrimination based on gender at educational institutions that receive federal funding.

Title IX declared: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance" (as cited in Harvard Title IX, 2020, para. 2)

Watch What is Title IX, a video from CNN, to learn more about this landmark law.

Most of us think in terms of how Title IX has transformed athletics and sports for girls and women. Before Title IX, only one in 27 girls participated in high school sports; by 2019, the number was two in five.
But sports was not the only area of gender relationships impacted by this law. Before Title IX, only 7% of law degrees and 9% of medical degrees were earned by women. Currently women earn 47% of law degrees and 48% of medical degrees. Furthermore, by prohibiting sexual discrimination, Title IX made verbal or written harassment, sexual assault, stalking, and domestic violence crimes, greatly enhancing safety for women.
Suggested Learning Activities

• Analyze Gender Stereotypes in Works of Art
  ◦ Use art resources from Can Girls Do That? Wadsworth Atheneum Museum of Art
  ◦ Students make their own portraits that prove that stereotypes are not always accurate.

Online Resources for Title IX and Combating Gender Stereotypes

• The Impact of Title IX Lesson Plan
• Striving for Gender Equity in Athletics Learning Activities, Gilder Lehrman Institute of American History
• Title IX at 40, Teaching Tolerance Magazine
• Gender Equality in Athletics
• Title IX Frequently Asked Questions, NCAA
• Title IX--Gender Equity in Education, American Civil Liberties Union

2.1. ENGAGE: When Can Girls and Boys Compete Together in Athletic Events?

While girls in this country have always played sports and games for fun, formal athletic participation and competition for women did not happen until the 1880s with the forming of separate clubs where females could play tennis, croquet, bowling and archery—although often under different rules than for men.

• The first intercollegiate basketball game between women teams was played in 1896 (Bell, 2008).
• The first women’s amateur golf tournament was held in 1895. Women’s hockey teams started in the 1910s and 1920s, particularly in Canada and the Pacific Northwest.
• Women’s hockey was added as an Olympic event in 1998.
• The first professional sports league for women, the All-American Girls Baseball League (showcased in the movie A League of Their Own) was started in 1943, during World War II.

The nation’s most prominent mid-20th century woman athlete was **Babe Didrikson Zaharias**. A multisport star in track and field events (shot put, hurdles, and high jump), baseball, and golf, she set numerous records in different sports and could outperform males in each ([About "Babe" Didrikson Zaharias](Babe_Didrikson_Zaharias(public_domain).))
Didrikson qualified for all five individual women's track and field events in the 1932 Olympics, but was allowed to compete in only three of them. The Ladies Professional Golf Association (LPGA) was established in 1950; Babe Zaharias as one of the original 13 founders. For more on her life and times, visit the resourcesforhistoryteachers wiki page, Babe Didrikson Zaharias, Woman Athlete and Equality Pioneer.

Today, more than two in every five girls participate in high school sports, spurred on in part by the achievements of Serena and Venus Williams, Simone Biles, Mikaela Shiffrin, Alex Morgan, Lindsey Vonn, Michelle Wie, Danica Patrick and many others. Still participation in high school sports by boys (4,565,580) exceeds girls (3,415,306) by more than a million participants (National Federation of State High School Associations, 2018).

Girls increasing participating in school sports has raised complex Title IX and 14th Amendment issues of sex and gender in two areas. First, should girls and boys be allowed to compete against one another in the same athletic activities? Adult women and men compete against one another in many sports today including Equestrian events, horse racing, Ultimate Frisbee, car racing, sailing, surfing, and mixed team events in tennis, golf, and badminton. The Women's Sports Foundation contents coeducational sport competition should be encouraged in middle and high schools when there are equal numbers of females and males and rules that "maximize fair competition between the sexes." The Foundation also believes schools must allow girls to try out for boys' teams in contact or non-contact sports, which is the law in some but not all states. There are educational and parent organizations that strongly disagree with this position.

Second, should students be allowed to participate in athletics based on their gender identity? In May 2020, the federal Education Department's Office or Civil Rights found that a state of Connecticut policy allowing transgender students to compete on female track
teams "denied female student athletes athletic benefits and opportunities" and threatened to withhold funding to the state's Interscholastic Athletic Conference (Levenson & Vigdor, 2020, p. 29). Transgender rights groups strongly opposed the ruling, arguing that students who identify as female are female and must be allowed to participate under Title IX guarantees. The case has national implications; earlier in 2020, Idaho banned transgender girls from participating in women's sports. The state also legalized sex testing of athletes before competing.

Suggested Learning Activities

- **Propose Change at Your School**
  - How would you provide girls with more opportunities to play sports in school?

- **State Your View:** Should girls, boys and transgender students compete against one another in school athletic events?
  - For background, review *Issues Related to Girls and Boys Competing with and Against Each Other in Sports and Physical Activity Settings* by the Women's Sports Foundation.

Online Resources for Mixed Gender Sports and Games

- [Games for Girls](#)
- Learning Plan: [Defying Gender Stereotypes](#), PBS Newshour
3. INVESTIGATE: Disability - The Americans with Disability Act of 1990

The **Americans with Disabilities Act** (ADA) is a "civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public" ([What is the Americans with Disabilities Act?](https://www.ada.gov/2020, para. 1)). The first disability law enacted in the United States was Section 504 of the 1973 Rehabilitation Act. It prohibited discrimination against people with disabilities in programs that receive federal financial assistance, and set the stage for enactment of the Americans with Disabilities Act.
Signed into law by President George H. W. Bush in July 1990, the ADA is a milestone achievement in the civil rights struggle by individuals with disabilities and exceptionalities. **ADA changed the everyday lives of millions of Americans.** Students with disabilities could not be denied equal schooling. Individuals with disabilities no longer had to abandon their wheelchairs to ride a train or bus; a restaurant or grocery store could no longer refuse to serve a disabled person; no one could not be blocked from employment because of their disability or paid less money for the same work; homosexuals could not longer be labeled disabled (Lombard, 2015).

Still, despite the ADA law, there is much progress that must be made for disability rights and justice. Only 19% of adults with disabilities held jobs in 2019, and that was before the COVID-19 pandemic created widespread unemployment throughout the country. Additionally, people with disabilities are more likely to be incarcerated or be victims of police violence and are less likely to vote due to physical and logistical barriers (Leonhardt, 2020).

Here is the entire text of the law, as amended. Other important legislation include the **Individuals with Disabilities Education Act (IDEA) in 1990** and the **Americans with Disabilities Amendments Act in 2008**. There are more resources at the Disability Rights and Justice Movement and the Disability History Museum.
Suggested Learning Activity

- **Document, Research, and Propose Action**
  - Review the Global Disability Rights Now document: [Improving Accessibility of Schools](#).
  - Photograph or sketch a map showcasing all the ways the physical and instructional learning environments of your school have been changed to accommodate the needs of disabled students and adults.

- **Discuss and State Your View**: What still needs to be changed at your school to ensure full and equal participation for all?
  - Write a proposal or create a presentation to propose changes to your school administrators about increasing the accessibility of your school building and learning environment.

Online Resources for the Americans with Disability Act and Disability History

- Lesson Plan: [Equal Treatment, Equal Access: Raising Awareness About People with Disabilities and Their Struggle for Equal Rights](#), Anti-Defamation League
- Learning Activities: [Classroom Activities Examining the Civil Rights Act and ADA](#), Teaching Tolerance
- Lesson Plan: [Document Debate: A look at the Americans with Disabilities Act](#), Robert and Elizabeth Dole Archive and Special Collections, University of Kansas
- **Dorothea Dix, Mental Health Reformer**, in the early 19th century, Dorothea Dix was a pioneering advocate for changing public attitudes and medical treatment for people with disabilities.
- resourcesforhistoryteachers wiki page: [Disability Rights and](#)
3.1. UNCOVER: Helen Keller, Author and Political Activist

Deaf, blind, and unable to speak after an illness as an infant, Helen Keller devoted her life to supporting progressive causes, fighting for women’s rights, and opposing discrimination against people with disabilities.

Helen Keller advocated for women’s suffrage, birth control, and pacifism. She became a socialist and a member of the Industrial Workers of the World (IWW). To learn more about her political views, read How I Became a Socialist (1912).
A statute of her, based on a scene from the movie *A Miracle Worker*, was added to the National Statuary Hall in Washington, D.C. in 2009. For more information, explore the resourcesforhistoryteachers wiki page [Helen Keller, Author and Political Activist](https://www.resourcesforhistoryteachers.org/helen-keller) and the [Helen Keller Archive](https://www.helenkellerarchive.org) from the American Association for the Blind.

**Media Literacy Connections: Race, Gender, Disability Civil Rights Choice Boards**

**Digital Choice Boards** invite interactive explorations of curriculum topics. A choice board is a "graphic organizer that allows students to choose different ways to learn about a particular concept" (Reinken, 2012, para. 1).

In this activity, students construct their own race, gender, and disability civil rights choice boards that connect historical and current events. Begin by splitting students into groups or teams and ask them to research the history of race, gender and disability civil rights in the United States. The modules for this topic offer points of departure for this research.

After students complete their research, they will design a digital choice board based on the information they have found. Their choice board can focus on just race, gender, or disability or be a mix of the three areas. Each box on the choice board will feature higher order thinking activities for other students to complete when using the board for learning. Higher order learning suggestions include:

- Code a [Scratch story](https://scratch.mit.edu)(s)
- Create an [interactive digital story](https://example.com)
- Construct [3D digital artifacts](https://example.com)
- Design a [multimodal book](https://example.com)
- Construct an [augmented reality exhibit](https://example.com)
- Build a 3D [model](https://example.com)
- Build an [interactive map](https://example.com)
• Create an Interactive Timeline
• Create a video

Additional Resources:

• For Teachers
  ○ The Civil Rights Movement and the Media (Oxford University Press)

• For Students
  ○ ‘Boyz in the Hood’ directed by John Singleton
Suggested Learning Activities

- **Read and Report Out**
  - Explore the [Helen Keller Political Activities section](#) of her Wikipedia page
  - List four causes for social justice Helen Keller supported during her lifetime.
  - Have you been taught about Keller's life-long political activism in school?
  - If not, write a proposal to a teacher or school administrator advocating for the inclusion of Keller's political activism in school curriculum.

- **Analyze Primary Sources**
  - Explore [Helen Keller’s FBI Files](#)
  - Why do you think Helen Keller was investigated by the FBI for her political views?
  - Why were opposition to war, support for socialism, and commitment to revolutionary change such controversial topics in American society, then and now?

- **Learn Online**
  - Explore [SignASL.org](#), an online American Sign Language (ASL) dictionary
  - How is ASL similar to and different from spoken English?
  - Review [Why Sign-Language Gloves Don't Help Deaf People](#)
    - Discuss: Why might deaf people not be in favor of sign-language gloves?

**Standard 5.4 Conclusion**

The modules for this standard examined late 20th century laws passed by Congress that expanded civil rights for people of color, women, and individuals with disabilities. [INVESTIGATE](#) reviewed the 1964 Civil
Rights Act and the 1965 Voting Rights Act; Title IX of the Education Amendments of 1970; and the Americans with Disabilities Act of 1970. UNCOVER explored the career and political activism of Helen Keller. ENGAGE asked when can girls and boys compete together in athletic events.

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